

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| NETLIST, INC.,                  | ) |                          |
|                                 | ) |                          |
| Plaintiff,                      | ) |                          |
|                                 | ) |                          |
| vs.                             | ) | Case No. 2:22-cv-203-JRG |
|                                 | ) |                          |
| MICRON TECHNOLOGY, INC.; MICRON | ) | JURY TRIAL DEMANDED      |
| SEMICONDUCTOR PRODUCTS, INC.;   | ) |                          |
| MICRON TECHNOLOGY TEXAS LLC,    | ) |                          |
|                                 | ) |                          |
| Defendants.                     | ) |                          |
|                                 | ) |                          |

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**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT  
DEFENDANTS' PENDING MOTION TO STAY (DKT. NO. 80)**

Defendants hereby move to supplement their prior motion to stay Dkt. No. 80. Good cause exists for granting leave. All four of the patents relating to accused Micron product sales have now been invalidated. Netlist originally asserted six patents. Four patents have now been found invalid by the PTAB (Dkt. 345) and the final written decisions for the remaining two patents will issue shortly by April 12, 2024. As detailed in the proposed supplemental brief, the remaining two patents are asserted against product designs that Micron *has not sold*. Further, Netlist is unreasonably refusing to withdraw its two recently invalidated patents from the litigation and there is a *significant* amount of party and judicial resources required due to Netlist's refusal. For these reasons and as further explained in the short supplemental motion being filed contemporaneously herewith, Defendants request that the Court grant leave to supplement, grant Defendants' Motion to Stay, and conserve the significant party and judicial resources required for litigating invalid patents and litigating patents against products that have not yet been commercially sold.

Netlist indicated in a meet and confer today that it does not oppose the Court granting leave and Netlist will file a response by December 18, 2023.

Dated: December 8, 2023

Respectfully submitted,

By: /s/ Michael R. Rueckheim

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**ATTORNEYS FOR DEFENDANTS  
MICRON TECHNOLOGY, INC.,  
MICRON SEMICONDUCTOR  
PRODUCTS, INC., AND MICRON  
TECHNOLOGY TEXAS LLC**

**CERTIFICATE OF SERVICE**

I certify that, on December 8, 2023, a copy of the foregoing was served on all counsel of record via the Court's ECF system and email.

/s/ Michael R. Rueckheim  
Michael R. Rueckheim

**CERTIFICATE OF CONFERENCE**

I certify that, on December 8, 2023, counsel for the parties met and conferred on the issues raised in this motion. Counsel for Netlist confirmed that Netlist does not oppose and that Netlist will file a response by December 18, 2023.

/s/ Michael R. Rueckheim  
Michael R. Rueckheim